

HONORABLE BENJAMIN H. SETTLE

U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

DANIEL JOSEPH, an individual, on behalf of  
himself and all others similarly situated,

Plaintiff,

vs.

TRUEBLUE INC., dba LABOR READY,  
INC., and TRUEBLUE, INC., Washington  
corporations,

Defendants.

NO. 3:14-cv-05963-BHS

**DECLARATION OF CHRISTOPHER  
P. MARTINEAU IN SUPPORT OF  
PLAINTIFF'S UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL  
AND CERTIFICATION OF  
SETTLEMENT CLASS.**

**DECLARATION OF CHRISTOPHER P. MARTINEAU  
IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL AND  
CERTIFICATION OF SETTLEMENT CLASS. - 1**

CASE No. 2:14-cv-05963-BHS

**DECLARATION OF CHRISTOPHER P. MARTINEAU**

Christopher P. Martineau declares under penalty of perjury, that the following statements are true:

1. I am over the age of eighteen and am fully competent to make this declaration.

This declaration is based upon my personal knowledge and if called upon to testify to the matters stated herein, I could and would do so competently.

2. This litigation was difficult and contentious. As noted in the preliminary approval memorandum, the litigation was robust and Plaintiff repeatedly needed Court assistance to obtain discovery and move this case along.

3. As part of settlement negotiations, the parties participated in 2 separate, but in person mediations. At both mediations, the parties discussed their relative views of the law and the facts and potential relief for the proposed Class and exchanged counterproposals on key aspects of the settlement.

4. Throughout the process of this pending litigation, Mr. Daniel Joseph, Plaintiff, assisted me with the drafting the complaint, amended complaint, providing information regarding his interactions with Defendants, screen shots of the offending texts, responded to discovery requests for information, and was active in both mediation processes.

5. In addition, at the inception of the case by Plaintiff Joseph, Defendants served a Rule 11 letter on him via counsel that threatened to seek sanctions (costs and fees) from him for failure to agree to Defendants' terms. Faced with this threat of monetary consequence, on behalf of the class and himself, he consciously forged ahead and continued the prosecution of the litigation. Attached as Exhibit 1 to this affidavit is a true and correct copy of Defendants October 17, 2014, Rule 11 letter.

**DECLARATION OF CHRISTOPHER P. MARTINEAU**  
**IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION**  
**FOR PRELIMINARY APPROVAL AND CERTIFICATION**  
**OF SETTLEMENT CLASS. - 1**  
CASE No. 2:13-CV-01533-JLR

1           6.       The settlement ultimately reached in this pending litigation was based upon the  
2 information obtained in discovery, expert analysis, and otherwise and at all times, the  
3 settlement negotiations were highly adversarial, non-collusive, and at arm's length.

4           7.       That my firm, Johnston | Martineau, PLLP, incurred to date \$2,919.45 in the  
5 prosecution of this case. I expect to incur an additional \$659.09 should the Court grant  
6 preliminary approval and allow Plaintiff Joseph the opportunity for a final approval hearing.

7           8.       Based on my experience doing Plaintiff's consumer protection work, including  
8 the TCPA, I believe the at-issue settlement to be fair and reasonable and in the best interest of  
9 the class. The settlement proposed provide real monetary recovery and will act as a deterrent to  
10 future conduct by other actors considering activities proscribed by the TCPA.

11           9.       Given the strength of this settlement, the undersigned does not expect significant  
12 opposition to the settlement by any class members.  
13  
14

15  
16                           **Class Counsel's Experience**

17           10.      I am a partner in the law firm of Johnston | Martineau, P.L.L.P. Johnston |  
18 Martineau, PLLP consists of two trial attorneys, focusing on consumer protection matters for  
19 individuals, including TCPA violations.  
20

21           11.      I have been admitted to the practice of law in the State of Minnesota since 2003,  
22 the State of Wisconsin since 2009, the United States District Court – District of Minnesota  
23 since 2009, and the United States Court of Appeals for the Ninth Circuit as well as several bar  
24 associations.  
25  
26  
27

Executed at Roseville, Minnesota, on September 2, 2016.

  
Christopher P. Martineau

CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on September 6, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Michael E. McAleenan, WSBA #29426  
Email: mmc@smithalling.com  
Email: julie@smithalling.com  
SMITH ALLING, PS  
1501 Dock Street  
Tacoma, Washington 98402  
Telephone: (253) 627-1091  
Facsimile: (253) 627-0123

David R. Ongaro, *Admitted Pro Hac Vice*  
Email: dongaro@ongaropc.com  
ONGARO PC  
50 California Street, Suite 3325  
San Francisco, California 94111  
Telephone: (415) 433-3901  
Facsimile: (415) 433-3950

*Attorneys for Defendants*

DATED this 6th day of September, 2016.

TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Beth E. Terrell, WSBA #26759  
Beth E. Terrell, WSBA #26759  
Email: bterrell@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

*Attorneys for Plaintiff*

DECLARATION OF CHRISTOPHER P. MARTINEAU IN  
SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL AND CERTIFICATION OF  
SETTLEMENT CLASS - 4

CASE No. 3:14-CV-05963-BHS

**TERRELL MARSHALL LAW GROUP PLLC**  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
www.terrellmarshall.com